IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 8146 of 2005

Between:

1. Kiran Advertisements, rep. by its Proprietor Margana Raju, S/o. Appa Rao, D.No. 21-9-11, AVN College Down, Visakhapatnam.

2. Surya Advertisements, rep. by Proprietor G. Kiran, Subadra Complex, 4th Floor, Dwaraka Nagar, Visakhapatnam.

3. S.L.N. Ads, rep. by its Proprietor, G. Kiran, Subadra Complex, 4th Floor, Dwarakanagar, Visakhapatnam.

..... PETITIONERS

AND

1. The Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam.

2 The City Planner, Visakhapatnam, Municipal Corporation,

Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in removing the Advertisements /Hoardings in the Visakhapatnam Municipal Corporation, without issuing any notice or opportunity to the petitioners and contrary to the provisions of Municipal Corporation Act as illegal, arbitrary and without jurisdiction and further direct the respondents not to remove any advertisements or Hoardings belonging to the petitioners and also direct the respondents permit the petitioners to re-erect the Advertisements and Hoardings which were already removed.

Counsel for the Petitioners:MR.RAMA RAO MAVIDI

Counsel for the Respondent Nos.1 and 2: MR.N.RANGA REDDY (SC FOR MNICIPAL CORP. VSP.)

The Court made the following O R D E R:

This writ petition is filed seeking a direction, more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents in removing the Advertisements and Hoardings in the Visakhapatnam Municipal corporation without issuing any notice or opportunity to the petitioner and contrary to the provisions of Municipal Corporation Act as illegal, arbitrary and without jurisdiction and further direct the respondents not to remove any Advertisements and Hoardings and also direct the respondents to permit the petitioners to re-erect the Advertisements and Hoardings, which were already removed.

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondent-Corporation.

Admittedly, the permission granted to the petitioners to put up Advertisements and hoardings has been expired. It is the grievance of the petitioners that the Advertisements and hoardings put up by them are being removed by the respondent-Corporation without issuing any notice.

Section 421 of the Hyderabad Municipal Corporation Act, 1955, (for short 'the Act') deals with Regulation and Control of Advertisements and sub-section 3 of Section 421 says that if any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this Section after the written permission for the erection exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may by notice in writing, require the owner or occupier of the land, building wall, hoarding or structure upon which the same is erected exhibited, fixed or retained, to take down or remove such advertisement.

Hence, the writ petition is disposed of directing the respondents to follow the procedure contemplated under Section 421 of the Act, while removing the Advertisements and Hoardings. No costs.

08.06.2005

usd

To

1 The Commissioner, Municipal Corp. of Visakhapatnam, Visakhapatnam.
2 The City Planner, Visakhapatnam, Municipal Corporation,

Visakhapatnam.

3 Two CD copies.